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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,471	03/26/2001	Chunming Qiao	F.11169	9440

7590  
Chunimng Qiao  
5802 Flintshire Lane  
Dallas, TX 75252

06/07/2004

EXAMINER

PHUNKULH, BOB A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 06/07/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/817,471

**Applicant(s)**

QIAO, CHUNMING

**Examiner**

Bob A. Phunkulh

**Art Unit**

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 10-17 is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This communication is in response to applicant's 03/23/2004 amendment/responses in the application of **QIAO** for "**Labeled Optical Burst Switching for IP-over-WDM integration**" filed 03/26/2001. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-17 are now pending.

### *Claim Objections*

Claims 7 and 8 are objected to because of the following informalities: the limitations

-the Wavelength-Division Multiplexed Optical Burst Switch comprising an Optical Burst Switching Fabric and its controller, an input interface and an output interface; and

-the control packet processing unit connected to the control wavelength(s) of the Wavelength-Division Multiplexed Optical Burst Switch, said processing unit utilizing as the control platform Multi-Protocol Label Switching in conjunction with LOBS specific extensions

are already cited in claim 7 thus the claimed limitations are encompassed by independent claim 6. Appropriate correction is required.

Claim 7 is objected to because of the following informalities: in line 4 after the subject matter "devices" please correct the "." to --,--.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,111,673), hereinafter Chang.

Regarding claims 6 and 9, Chang discloses a Labeled Optical Burst Switching Node (the combination one of the WDM node 121 and IP router 111, figures 3 and 4) for network communications comprising-

-a Wavelength-Division Multiplexed Optical Burst Switch (the WDM switch 121, in figure 4) comprising an Optical Burst Switching Fabric (switching device 430) and its controller (the combination of label switch controller with look-up table 410 and circuit switching controller 420, in figure 4), an input interface and an output interface; and

-a control packet processing unit (the IP router 111, in figure 3) data monitor & switch control processor 284, in figure 2B) connected to the control wavelength(s) of the Wave length-Division Multiplexed Optical Burst Switch, said processing unit utilizing as the control platform Multi-Protocol Label Switching in conjunction with LOBS specific extensions.

Regarding claim 7, Chang discloses a Labeled Optical Burst Switching Node for network communications according to claim 6, further comprising-

- an Access Point interface connecting the Labeled Optical Burst Switching Node to PDU devices such as electronic label switching routers (interface 310, in figures 3-4),
- a Burst assembly unit (an optical circulator, responsive to the incoming optical signal, for circulating the light burst to produce a time-extended light burst under control of the preamble, see claim 32),

Regarding claim 8, Chang discloses A Labeled Optical Burst Switching Node for network communications according to claim 6, further comprising:

- an Access Point interface connecting the Labeled Optical Burst Switching Node to PDU devices such as electronic label switching routers (interface 310, in figures 3-4),
- a Burst dis-assembly unit (demodulator, see claim 34).

#### ***Allowable Subject Matter***

Claims 1-5, 10-17 are allowed.

#### ***Response to Arguments***

Applicant's arguments filed 3/23/2004 have been fully considered but they are not persuasive.

In previous office action rejection, the examiner inadvertently stated the patent number as (6,160,651) but it should have been read as (6,111,673). It should be apparent from the rejections, the elements point to figures 3 and 4 of Chang (US 6,111,673).

In response to the applicant's argument in page 15-19:

- a. there is no claimed limitation of "out-of-band control wavelengths for transmission of control packet" in the original or amended claim 6.
- b. there is no claimed limitation of "delays the sending of a burst and includes this delay information into the control packet" in claims 6-8.
- c. see step b response.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

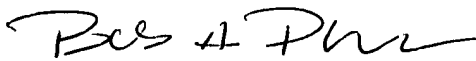
Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Bob A. Phunkulh**



June 7, 2004  
T.C. 2600  
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